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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/774,572 | 02/09/2004 | Toshimasa Ochiai | 800_122 | 8506 |
| 25191 | 7590 | 07/17/2006 | EXAMINER | |
| BURR & BROWN PO BOX 7068 SYRACUSE, NY 13261-7068 | | | TRINH, MINH N | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3729 | |

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/774,572 | Applicant(s) OCHIAI, TOSHIMASA | |
| | Examiner Minh Trinh | Art Unit 3729 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai (6,719,569) in view of Li (6,146,151).

Ochiai discloses a product by process of manufacturing contact sheets, comprising the steps of: providing at least one elastic, electrically conductive sheet 10; forming an electrically conductive member 27 from each said at least one electrically conductive sheet, each said electrically conductive member 22 including a plurality of contact members 27's aligned in a first direction in a predetermined arrangement and joined to one another by a plurality of linking portions 2, 21, providing at least one elastic, electrically insulative base sheet 1a, 1b having a plurality of openings 11 formed therein in a predetermined pattern corresponding to said predetermined arrangement of said contact members 22 of said electrically

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conductive member (see Fig. 1), positioning and securing said electrically conductive member to at least one surface of said at least one base sheet such said contact members are positioned in said openings (see Fig. 1). Ochiai is silent about subjecting said contact members to a breaking off process to sever said linking portions and separate adjacent contact members from each other, wherein opposing severed faces of said linking portions are formed during said severing part of said subjecting step; and wherein the position of said linking portions prior to severing is such that said opposing severed faces are separated from each other. Li discloses the subjecting said contact members to a breaking off process to sever said linking portions and separate adjacent contact members from each other as discussed above where the contact member being separated by a tool such that the opposing severed faces of said linking portions are formed during said severing part of said subjecting step, and the configuration where the position of said linking portions prior to severing is such that said opposing severed faces are separated from each other that (see Figs.1, 6-7 and the discussion at col. 2, lines 1-12, col. 3, lines 10-15, and abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the Li's teaching as described above onto the invention of Ochiai in order to facilitate the fabrication process by using the available techniques such as stamping as form a desired contact members that having the connection portions therefrom.

As applied to claims 2-3, the Li reference discloses limitations of these claims where subjecting includes bending (see Figs. 6-7, and the discussion at col. 2, lines 1-2).

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As applied to claims 4-5, noting Ochiai discloses plating of the conductive member (see col. 12, lines 25-28).

As applied to claim 8, noting Li discloses the conductive sheet is copper alloy which readable on the claimed beryllium copper of the instant application (see col. 2, lines 48-50).

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai in view of Li.

Regarding the size, shape configurations recited in claim 6. It would have been an obvious matter of design choice to form a liking portion having its width as about its thickness or in any size configurations, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

Allowable Subject Matter

4. Claims 9-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (571) 272-4569. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mt
6/29/06


MINH TRINH
PRIMARY EXAMINER